

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SHANNON WILLIAMS,)	
)	
Plaintiff,)	8:11CV446
)	
v.)	
)	
REYNOR RENSCH & PFIEFFER,)	MEMORANDUM AND ORDER
et al.,)	
)	
Defendants.)	
_____)	

This matter is before the Court on plaintiff's Notice of Appeal (Filing No. [65](#)). Plaintiff's appeal sought reversal of the Court's previous determination that this matter be remanded to the Douglas County, Nebraska, District Court. (*Id.*) However, plaintiff's Notice of Appeal was untimely, as it was filed 40 days after the Court entered the Order and Judgment remanding this matter. See [Fed. R. App. P. 4\(a\)\(1\)\(A\)](#) (stating that a notice of appeal "must be filed with the district clerk within 30 days after the judgment or order appealed from is entered"). Regardless, the Court re-opened this matter on November 26, 2012, pursuant to plaintiff's separate request (Filing No. [82](#)). Thus, plaintiff has already been granted the relief he sought in the Notice of Appeal, despite its untimeliness.

IT IS ORDERED:

1. Plaintiff's Notice of Appeal (Filing No. [65](#)) is untimely and moot.

2. The clerk of the court shall not process the appeal to the Court of Appeals. The clerk of the court is directed to forward a copy of this Memorandum and Order to the parties and to the Eighth Circuit Court of Appeals.

3. Plaintiff is reminded that he has until December 20, 2012, in which to file an amended complaint in accordance with the Court's previous Memorandum and Order.

DATED this 14th day of December, 2012.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court

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